

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO (TOLEDO)

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:18-cr-00067

v.

DAREK LATHAN,

HON. GEORGE CARAM STEEH
SITTING BY DESIGNATION

Defendant.

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**ORDER DENYING DEFENDANT'S MOTIONS TO COMPEL
DISQUALIFICATION OF JUDGE (DOC. 252), FOR CLAIM OF DAMAGE
(DOC. 263) AND FOR CERTIFICATE OF INNOCENCE (DOC. 247)**

This matter is before the court on pro se defendant Darek Lathan's motions filed after his standby counsel was permitted to withdraw and before he has filed a notice with the court indicating whether he wants new counsel to be appointed.

Defendant filed a motion to compel disqualification of the undersigned judge. (Doc. 252). The basis of defendant's argument is that this judge lacks authority to preside over defendant's case, which was brought in a court that does not have jurisdiction over him. The court has already addressed the issue of jurisdiction, finding that defendant's challenges to this court's jurisdiction lack any basis in law or in fact. See Order Denying Defendant's Motions Challenging District Court's Jurisdiction (Doc. 241). As for this judge's authority under Article III of the United States Constitution,

such was established when he was confirmed by the United States Senate on May 13, 1998 and granted his commission on May 22, 1998. For these reasons, defendant's motion to disqualify the judge is denied.

The court is aware that defendant has filed, or attempted to file, claims and/or legal actions against the undersigned, the Assistant United States Attorney, the F.B.I. case agent, an officer who was involved in the criminal investigation against him, and his own standby counsel. The basis for each of defendant's claims, brought before the court by a motion filed as a claim for damage, as well as by numerous "Affidavits" and "Judicial Notices", is that the court lacks jurisdiction over defendant or that the accused individual lacked, or improperly utilized, their authority regarding this case. For the same reasons stated above, the motion filed as a claim for damages, as well as all similar allegations contained in defendant's affidavits and judicial notices, is denied. (Doc. 263).

Finally, defendant filed a motion and affidavit for a certificate of innocence, asking for a declaration that he was wrongfully convicted. This motion is not properly before the court as there has not been a final judgment entered in the matter, let alone a reversal of his conviction. Defendant's request is denied. (Doc. 247).

IT IS HEREBY ORDERED that the following motions, as well as their

supporting notices and affidavits, are DENIED: docs. 247, 252, 263.

So Ordered.

Dated: October 21, 2021

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE